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Attorney Docket No. 4982/4  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#11 Response  
P.D.  
9/16/02

In re Application of : John Crescenti et al.  
Application No. : 09/354,063 Examiner : Ella Colbert  
Filed : July 15, 1999 Art Unit : 3624  
Title: : MODULAR BACKUP AND RETRIEVAL SYSTEM

Assistant Commissioner for Patents  
Washington, D.C. 20231

RESPONSE TO OFFICE ACTION

**RECEIVED**

SEP 09 2002

**GROUP 3600**

Sir:

This is in response to the Office Action mailed on April 24, 2002. A one month extension of time and corresponding fee is enclosed.

REMARKS

Applicants acknowledge receipt of an Office Action dated April 24, 2002 rejecting pending claims 1-21 under 35 USC § 102(e) as anticipated by the European Patent Application (EP0899662 A1) of Stephen Gold and Jon Bathie, hereafter Gold and Bathie. For at least the reasons set forth below, this rejection is traversed and reconsideration is respectfully requested.

Gold and Bathie discuss systems for performing backups and restores for a computer network. The systems Gold and Bathie discuss contain multiple clients and multiple servers connected via a local area network ("LAN") to a backup server (Abstract; col. 4, lines 33-42).

Clients and servers include a backup agent which comprises software modules that process data and communicate with the backup server (Col. 4, lines 51-59) regarding requests for backups and restores. Client and server modules include a dynamic scheduler